



## Food Vendor Information, Regulations and Policies

**Please Keep for Your Reference (pages 1 - 3)**

*Interpretation of the following information and regulations is at the discretion of the City*

### **VENDOR CONTACT**

Jennie Cottrell

240-805-1507

[Jennie.Cottrell@gaithersburgmd.gov](mailto:Jennie.Cottrell@gaithersburgmd.gov)

### **FESTIVAL DATE • LOCATION • HOURS**

Sunday, October 10, 2021

Kentlands Old Farm and Downtown

Noon – 5 p.m.

### **DESCRIPTION**

The 29<sup>th</sup> annual Oktoberfest returns to transform the Kentlands in Gaithersburg, with multiple stages of live entertainment featuring traditional Bavarian music and dancing, and local, regional and national talent. Fall-themed activities for families, a Business Expo, artisans, beer, mead and cider, and delicious food will delight attendees throughout the day. In past years this event has drawn crowds of up to 30,000. Admission, shuttles and parking are free to the public.

### **APPLICATION DEADLINE, NOTIFICATION and SELECTION**

The application deadline is **August 23, 2021**, with final selections to be made by mid- September. All applications must include payment. **Applications postmarked after August 23, must include the \$25 LATE FEE and will only be considered if space is still available. No application postmarked after September 6, 2021 will be considered.**

Applicants will receive a confirmation e-mail upon receipt of application with payment. After the application deadline, all applications will be reviewed and vendors will be selected. Notification of status will be sent by mid-September; vendors who are not selected will receive a full refund. Selection will be dependent upon space availability, quality, appeal, and variety of food items offered. The City reserves the right to reject any application for reasons including, but not limited to, incompleteness, unreasonable requirements and failure to include payment. Festival arrival information for accepted vendors will be e-mailed approximately two weeks prior to the event.

### **FOOD VENDOR REQUIREMENTS**

**All vendor applications must include payment, photo of concession stand or vehicle and full menu with prices.** A current certificate of insurance naming the City of Gaithersburg as certificate holder must be provided upon acceptance into the Festival and prior to September 24, 2021. Food items or drinks may be sold by pre-authorized food vendors only. If accepted, food vendors must also contact the Montgomery County Health and Human Services Department at 240-777-3986 to obtain a Festival permit. All food vendors must refrain from using polystyrene (Styrofoam<sup>tm</sup>) products. This is a requirement in both Montgomery County and the City of Gaithersburg. Food Vendors must meet all required fire and health codes, including the provision of a flame suppression system in food trucks or trailers. **Food vendor tents larger than 10'x10' must be rated flame retardant by the California Fire Marshal or meet the requirements of NFPA 701.**

### **RESIDENT vs. NONRESIDENT FEES**

Resident rates apply only to those individuals and businesses that reside/are located within the corporate City tax limits of Gaithersburg. A Gaithersburg mailing address does not necessarily mean the address is within the City corporate tax limits. An address [look-up map](#) is available at [gaithersburgmd.gov](http://gaithersburgmd.gov).

### **FESTIVAL REGULATIONS FOR ALL PARTICIPATING VENDORS**

- 1) Vendors are required to arrive, set-up and breakdown at the times and locations designated in the vendor load-in documents, communicated via e-mail prior to the Festival. Vendors are required to notify Festival organizers in advance if they are unable to attend the event.
- 2) No food items or drinks may be sold by any vendor except for Festival-approved food vendors pre-authorized by the Montgomery County Health Department.
- 3) Unauthorized alcoholic beverages, pets (with the exception of service dogs), skateboards, roller blades, bicycles, weapons (real or facsimile) and smoking / vaping are prohibited on Festival grounds.

- 4) City staff members reserve the right to have vendors remove unacceptable or inappropriate items, and to relocate or remove any vendor who does not comply with Festival regulations, is uncooperative with or disrespectful to event staff, or is disruptive to the Festival. Disruption is defined as disturbing other vendors, interfering with event programming, behaving aggressively toward event attendees or staff, damaging property, or engaging in behavior that threatens the safety of others.
- 5) City staff members reserve the right to deem ineligible for participation in future events any vendor who does not comply with the Festival regulations, is uncooperative with or disrespectful to event staff, or is disruptive to the Festival.

#### **ANTI-HARASSMENT POLICY**

The City of Gaithersburg is committed to providing a safe and welcoming environment for everyone, in which all individuals are accepted and treated with respect and dignity, and which is free from harassment of all kinds. The City expects all vendors, sponsors, volunteers and participants of any kind in City programs and special events to treat each other and the public with courtesy and respect. The City has adopted a zero-tolerance policy for any level of harassment by program participants of any type.

#### **RAIN/CANCELTION/REFUND POLICY**

**This is an outdoor, RAIN or SHINE event.** You are responsible for covering and securing your property in the event of rain or wind. Event staff are unable to assist with this. If the City cancels the event due to public safety concerns such as severe weather, a refund will be issued. Otherwise, there will be **no refunds after September 24, 2021**. Refunds due to cancellation by the vendor will include a \$10 processing fee.

#### **ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

The City of Gaithersburg is committed to making reasonable accessibility accommodations as required by the Americans with Disabilities Act and other applicable law. Your request for accommodations will in no way affect your acceptance status. **All requests must be made no later than September 24, 2021.**

#### **SET-UP / BREAK-DOWN**

Load-in instructions, passes and directions will be e-mailed approximately two weeks before the Festival. You will be assigned an arrival time between 8 and 10:30 a.m. **Only one vehicle per vendor will receive a pass to enter the Festival area to unload.** Please contact Jennie Cottrell if you need additional passes. Booths must be dismantled promptly at 5 p.m., **and not before.** Event staff are not available to assist with your set-up or break-down. **Streets will close to all vendors at 11 a.m.; vehicles will not be allowed to re-enter the Festival area at the end of the event until police open the roads.**

#### **VENDOR SPACE AND ASSIGNMENT**

**All food vendor spaces are 20' wide and 10' deep.** All vendors must provide and are responsible for their own equipment, including generator, canopy, tables and chairs. Vendors must stay within their assigned space. All vendors are required to cordon off their generator. **Vendors may not select their own placement, and must set up in the space designated for them by marker or a Festival staff member.**

#### **SALES TAX**

The State of Maryland requires any person selling used or new products to charge 6% sales tax. If you do not have a Maryland Tax ID # you DO NOT NEED TO APPLY FOR ONE. Vendor names will be submitted to the Maryland State Comptroller's Office and a temporary Tax ID # will be automatically assigned to you by the State after the Festival.

#### **PARKING**

Parking is not within sight of booth locations and may require a shuttle bus ride. Booth staff arriving later in the day should take the shuttle from the Festival parking lot.

#### **TRASH / ELECTRICITY / WATER**

No electricity or water is available. **Vendors must take their non-compostable trash, cooking oil and waste-water with them. Vendors who do not adhere to this regulation will be subject to a fine and may be prohibited from future participation.**

Note: There are composting bins available at each trash location.

#### **PHOTOS**

Photographs submitted with application may be used to promote the Festival. Also, please note that photographs taken during the event may be used by the City of Gaithersburg for promotional purposes.

## **CITY RESOLUTION # R-73-05 / SPECIAL EVENTS**

### **RESOLUTION OF THE MAYOR AND CITY COUNCIL AMENDING R- 30 -92, THE POLICY SETTING FORTH STANDARDS FOR EXHIBITORS, VENDORS, ENTERTAINERS, AND SOLICITORS AT CITY- SPONSORED EVENTS**

WHEREAS, the City of Gaithersburg sponsors a myriad of special programs, festivals, and events throughout the year which are well attended by citizens of all ages; and

WHEREAS, exhibitors, vendors, entertainers and solicitors are invited to participate in these community functions; and

WHEREAS, these events are held on public property and /or within and along public ways necessitating the closing of streets and specific areas to ensure that all events will be carried out in a manner which protects the public health, safety and welfare of visitors thereto; and

WHEREAS, the City of Gaithersburg established a standardized policy, as directed by Resolution No. R-30-92, for exhibitors, vendors, entertainers and solicitors to participate on the premises of City-sponsored events; and

WHEREAS, the standardized policy was established to ensure peaceful assembly, to protect persons and property, to exercise efficient control of crowds and to offer equitable and uniform treatment of exhibitors, vendors, entertainers and solicitors; and

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the community that amendments to the policy be made from time to time in order to improve the quality of the City's special programs, festivals and events:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, that amendments be made to Resolution No. R- 30 -02, establishing a standardized policy for each exhibitor, vendor, entertainer and solicitor, participating in a City-sponsored event be and they hereby are as follows:

1. The City will not permit any person or organization to solicit and /or distribute information or goods or offer food, goods or services for sale or entertain within any public right-of-way or public property associated with a City-sponsored event unless a completed application to participate in the specific event has been filed with the City of Gaithersburg and approved by the City Manager or his designee.
2. The City will accept applications prior to the application deadline and reserves the right to reject any application which is incomplete or where the applicant's proposed activity during the event will disrupt other exhibitors or the peaceful assembly of attendees or damage or injure persons or property, or interfere with the planned special events, or is rejected for failure to meet stated selection criteria.
3. The City reserves the right to establish and enforce written rules and regulations as to other criteria which City staff deems pertinent to carry out a special public event or exhibit, provided such rules, regulations and criteria are approved by the City Manager or his designee.
4. The City shall have the right to remove any exhibitor or exhibit or other participant from the event limits who does not comply with the aforementioned requirements or the terms set forth in the approved application.
5. If the City determines to remove an exhibitor or other participant from the event limits pursuant to its authority under paragraph 4 of this Resolution, notification will be made in person by a City staff member. If exhibitor or other participant disregards the staff member's request to leave the event, law enforcement will be contacted to remove the exhibitor or participant. It shall be unlawful for any person participating in a City event to fail to obey a law enforcement request to leave the event area. The area reserved for a City event will be clearly defined and available upon request at the time an exhibitor or participant is requested to leave the event.

ADOPTED by the City Council on the 1<sup>st</sup> day of August, 2005.

SIDNEY A. KATZ, MAYOR and President of the Council  
DAVID B. HUMPTON, CITY MANAGER

## 2021 OKTOBERFEST FOOD VENDOR APPLICATION

Please submit this portion (pages 4 & 5) with signature and payment

APPLICATIONS POSTMARKED AFTER AUGUST 23 MUST INCLUDE A \$25 LATE FEE.

Incomplete applications and applications postmarked after **September 6, 2021** will not be considered.

**NOTE: Submitting an application with payment does not guarantee acceptance.**

**Fees for Food Vendor include:** 20' x 10' space. Does not include table, chairs, canopy, water or power.

\_\_\_ \$200 City of Gaithersburg Business

(Business must be located in the corporate tax limits of the City of Gaithersburg to qualify)

\_\_\_ \$250 Non-City of Gaithersburg Business

\_\_\_ # of 20' x 10' spaces required

Payment must be included with this application. A **menu\* with prices** and **photograph of booth or concession vehicle** must be attached to this application before it will be processed. *\*If accepted into the Festival, you will receive notice if your menu offerings need to be edited in order to avoid overlap with other vendors.*

### REQUEST FOR ADA ACCOMMODATIONS

The City of Gaithersburg is committed to making reasonable accommodations as required by the Americans with Disabilities Act and other applicable law. Your request for accommodations will in no way affect your acceptance status. Please describe any specific accommodations you are requesting based on physical, psychiatric, behavioral or other concerns. All requests for accommodations must be made by **September 24, 2021** to allow the City sufficient time to consider the request.

### ALL APPLICANTS

I authorize my payment to be processed and deposited upon receipt.

I understand that if I am not accepted into the Festival, a full refund will be issued.

I certify that I have read, fully understand, and agree to comply with the Oktoberfest Vendor Information, Regulations and Policies (pages 1 – 3), and that the information I have provided in this application is true and complete. I will be personally responsible for ensuring that the use of my space is carried out in conformance with this application. I further understand that if I intend to sell anything at the Festival, I am required to charge 6% sales tax and I will be assigned a temporary Maryland State Tax ID# by the MD State Comptroller's Office after the event, if needed.

As a participant in the 2021 Oktoberfest, I agree that I, or anyone entitled to act on my behalf, together with the organization I represent (if any), hereby waive and release the City of Gaithersburg and the organizers of the Festival, plus all event partners, sponsors and volunteers, and their representatives, successors and assigns, from all claims and liabilities of any kind arising out of my participation in the Festival, even if that liability may arise out of negligence or carelessness on the part of the persons named in this waiver.

Participation in Oktoberfest by groups or organizations other than City of Gaithersburg officials, departments or committees does not constitute City of Gaithersburg endorsement.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**Please fill out contact and payment information on next page**

## CONTACT and PAYMENT INFORMATION

ORGANIZATION/BUSINESS NAME (as you would like it to appear on marketing materials):

CONTACT PERSON: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

FULL BUSINESS ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE #: \_\_\_\_\_ DAY-OF-FESTIVAL CELL #: \_\_\_\_\_

WEBSITE/SOCIAL MEDIA URL: \_\_\_\_\_

All payments will be processed at the time of the application. Applicants who are not selected will receive a full refund.  
**If submitting application via e-mail, please do not fill in the credit card number.** Instead, **print and sign your name,**  
e-mail the application, and call Jennie Cottrell at 240-805-1507 to provide a credit card number by phone.

### VENDOR PLEASE COMPLETE:

# of spaces X Space Fee + \$25 Late Fee (req. if postmarked after 8/23) = Total fee  
\_\_\_\_\_ X \$ \_\_\_\_\_ + \_\_\_\_\_ = \$ \_\_\_\_\_

Total Paid: \$ \_\_\_\_\_ ☐ Cash ☐ Check # \_\_\_\_\_

Please make checks payable to: **City of Gaithersburg**

☐ CREDIT: Circle one: VISA / MC / DISC / AMEX # \_\_\_\_\_

Exp. \_\_\_\_\_ / \_\_\_\_\_

Signature (required): \_\_\_\_\_

Print Name (required): \_\_\_\_\_

*(Refunds are subject to City guidelines and a \$10 processing fee. No refunds will be given after September 24, 2021.)*

E-MAIL SCANNED APPLICATION AND  
REQUIRED ATTACHMENTS TO:

Jennie Cottrell

[Jennie.Cottrell@gaithersburgmd.gov](mailto:Jennie.Cottrell@gaithersburgmd.gov)

OR

MAIL COMPLETED APPLICATION, AND ALL  
ALL REQUIRED MATERIALS TO:

Oktoberfest Vendor

Attn: Jennie Cottrell

506 S. Frederick Ave.

Gaithersburg, MD 20877

### **FOR OFFICE USE ONLY:**

☐ \$200 Resident Food Vendor

☐ \$250 Nonresident Food Vendor

☐ \$25 Late Fee

Date Rec:

Initials:

Date Proc:

Initials:

# of Spaces:

Conf. Sent:

A/R Sent: